

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITES STATES OF AMERICA)	
)	CASE NO. 3:05-CR-234-A
v.)	
)	
TYRONE WHITE)	

DEFENDANT’S RENEWED MOTION TO MODIFY TERMS OF RELEASE

COMES NOW the Defendant TYRONE WHITE, by and through his attorney, Julian L. McPhillips, Jr., and respectfully RENEWS his Motion (Doc. 9-1) and supplements same with the following:

1. This case was set to be tried in the December 5, 2005, term of this Court. By all accounts, both sides were preparing to go forward with trial on this date.
2. In response to a motion, requesting review of an Order entered by the United States Magistrate Judge, this Court, *sua sponte* continued this case indefinitely in its Order (Doc. 50), filed herein on November 17, 2005.
3. The Defendant incorporates herein, by reference, all arguments set forth in his prior *Motion to Lift Electronic Restrictions and Allow Defendant to Remain Out on Bond Pending Trial* (Doc. 9-1).
4. Additionally, the Defendant submits that the current terms of his release prevent the Defendant from working to support his family. The financial pressure on this family posed by this indefinite restriction on the Defendant’s ability to work is unwarranted and cruel.
5. Furthermore, the government has presented no evidence that this Defendant poses any flight risk or danger to society. Quite the contrary, the record

reflects that this Defendant has strong ties to the community, including immediate and extended family here in Central Alabama. Tyrone White was a member of the Auburn Police Department for 16 years, and was a United States Marine for 7 years before that. He has been a deacon in his church for 7 years. Mr. White was, and is, an outstanding citizen.

6. The government has failed to show this Court good cause why these restrictions on the Defendant's personal liberty ought to remain in place. Therefore, these restrictions, namely that the Defendant be prohibited from obtaining gainful employment and that he remain subject to electronic monitoring, are due to be lifted, especially in light of the indefinite continuance of trial as ordered by this Court.

WHEREFORE, above premises considered, the undersigned prays that this Honorable Court will lift the restrictions on this Defendant's personal liberty, by releasing him from electronic monitoring and further permitting this Defendant to go about his business freely so that he may be gainfully employed.

RESPECTFULLY SUBMITTED this 18th day of November 2005,

TYRONE WHITE
Defendant

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
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CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Todd A. Brown
Assistant United States Attorney
One Court Square, Room 201
P.O. Box 197
Montgomery, Alabama 36101

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.